

NEWS

NEW JERSEY DEPARTMENT OF

LWD
LABOR AND WORKFORCE DEVELOPMENT
nj.gov/labor

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State of New Jersey
Department of Labor and
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Trenton, New Jersey
08625-0110

RE: Proposed Readoption with Amendments:
N.J.A.C. 12:40 WARN Notification Procedures

Attached please find the above-referenced matter which was published in the Monday, November 1, 2004 *New Jersey Register*.

If you have any questions, please contact Frederick S. Cohen, Regulatory Officer I at 609-777-2960.

LABOR AND WORKFORCE DEVELOPMENT

(a)

WORKFORCE NEW JERSEY WARN Notification Procedures

Proposed Readoption with Amendments: N.J.A.C. 12:40

Authorized By: Kevin P. McCabe, Commissioner, Department of Labor
and Workforce Development.

Authority: N.J.S.A. 34:1-20, 34:1A-3(e), P.L. 100-379 and 20 C.F.R.
§639.6(c).

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2004-423.

A public hearing on the proposed readoption with amendments will be
held on the following date at the following location:

Friday, November 19, 2004

10:00 A.M. to 12:00 Noon

New Jersey Department of Labor and Workforce Development

13th Floor Auditorium

Trenton, New Jersey

Please call the Office of Regulatory Services at 609-292-7375 if you wish
to be included on the list of speakers.

Submit written comments by December 31, 2004 to:

Frederick S. Cohen, Regulatory Officer

Office of Regulatory Services

New Jersey Department of Labor and Workforce Development

PO Box 110—13th Floor

Trenton, New Jersey 08625-0110

Fax: (609) 292-8246

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contact the Office of Communications at (609) 292-7832 or NJ Relay (TTY)
1-800-852-7899.

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, N.J.A.C. 12:40, WARN Notification
Procedures, is scheduled to expire on May 28, 2005. These rules set forth the
procedures for serving notice of a plant closing or mass layoff to the State
Dislocated Worker Unit. The Department of Labor and Workforce
Development has reviewed these rules and has determined them to be
necessary, reasonable and proper for the purposes for which they were
originally promulgated. Accordingly, the Department is proposing that the
rules be readopted with non-substantive amendments.

A summary of the subchapters proposed for readoption follows:

N.J.A.C. 12:40-1 sets forth the purpose and scope of the rules.

N.J.A.C. 12:40-2 sets forth the standard which is adopted from the Federal
rules by reference. In addition, the rule has been amended to reflect the formal
name change of the agency from the Department of Labor to the Department
of Labor and Workforce Development.

As the Department has provided a 60-day comment period on this notice of
proposal, this notice is excepted from the rulemaking calendar requirements,
pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption with amendments will enable the
Department to continue to provide employers with the correct procedures for
WARN notification as outlined in the Federal regulations.

Economic Impact

The rules proposed for readoption with amendments will have no economic
impact. The rules will simply continue to require that employers of 100 or
more workers provide notice of a plant closing or mass layoffs in accordance
with the Federal procedures codified at 20 C.F.R. §639. These procedures
include notice to the State Dislocated Worker Unit.

Jobs Impact

The rules proposed for readoption with amendments will not have an
impact on jobs. The Department does not anticipate that there will be an
increase or decrease in jobs as a result of these rules.

Agriculture Industry Impact

The rules proposed for readoption with amendments will have no impact on
the agriculture industry.

Regulatory Flexibility Statement

The rules proposed for readoption with amendments do not impose any
additional reporting, recordkeeping or compliance requirements on small
business as that term is defined in the Regulatory Flexibility Act, N.J.S.A.
52:14B-16 et seq. The rules proposed for readoption with amendments
continue to require employers of 100 or more workers within the State of New
Jersey to comply with Federal procedures which require notice of a plant
closing or mass layoffs in accordance with 20 C.F.R. §369. These procedures
include notice to the State Dislocated Worker Unit.

Smart Growth Impact

The rules proposed for readoption with amendments will not have an impact on
the achievement of smart growth and the implementation of the State
Development and Redevelopment Plan.

Full text of the proposed readoption may be found at New Jersey
Administrative Code at N.J.A.C. 12:40.

Full text of the proposed amendments follows (additions indicated in
boldface thus):

12:40-1.2 Adoption by reference

The procedures contained in 20 C.F.R. §639, Workers Adjustment and
Retraining Notification, are adopted and incorporated herein by reference
as requirements for the notification of a plant closing or mass layoff to
affected employees, their representatives, local government officials and
the State Dislocated Worker Unit. All notices to the State Dislocated
Worker Unit shall be addressed to:

Coordinator, Department of Labor and Workforce

Development Response Team

State Dislocated Worker Unit

Labor and Workforce Development Building, Seventh Floor

PO Box 058

Trenton, New Jersey 08625-0058

Fax: (609) 777-3202